

## **EXHIBIT A**

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1                   IN THE UNITED STATES DISTRICT COURT  
2                                   FOR THE  
3                   DISTRICT OF MASSACHUSETTS

4       TERRI PECHNER-JAMES and  
5       SONIA FERNANDEZ,  
6       Plaintiffs,

7   C.A. NO.  
8       VS.   03-12499-MLW

9       CITY OF REVERE, THOMAS  
10      AMBROSINO, MAYOR, CITY  
11      OF REVERE POLICE  
12      DEPARTMENT, TERRENCE  
13      REARDON, CHIEF, BERNARD  
14      FOSTER, SALVATORE  
15      SANTORO, ROY COLANNINO,  
16      FREDERICK ROLAND,  
17      THOMAS DOHERTY, JOHN  
18      NELSON, JAMES RUSSO,  
19      MICHAEL MURPHY and  
20      STEVEN FORD,  
21      Defendants.

22                   CONTINUED DEPOSITION of SONIA FERNANDEZ taken  
23                   at the request of the Defendants Foster, Santoro,  
24                   Colannino, Roland, Doherty, Nelson, Russo, Murphy  
25                   and Ford, pursuant to Rule 30 of the Federal  
26                   Rules of Civil Procedure before Carol A. Jeffrey,  
27                   a notary public in and for the Commonwealth of  
28                   Massachusetts, on May 26, 2006, commencing at  
29                   10:25 A.M. at the offices of Reardon, Joyce &  
30                   Akerson, 397 Grove Street, Worcester,  
31                   Massachusetts.

                  McCARTHY REPORTING SERVICE       WORCESTER, MA.  
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8 REARDON:

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12  
13 FOR THE DEFENDANTS FOSTER, SANTORO, COLANNINO,  
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1 I N D E X

2 DEPONENT: SONIA FERNANDEZ

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4 CONTINUED EXAMINATION BY MR. VIGLIOTTI 907

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1 SONIA FERNANDEZ, PREVIOUSLY SWORN

2 CONTINUED EXAMINATION BY MR. VIGLIOTTI:

3 Q. Sonia, you're aware you're here for  
4 your continued deposition, correct?

5 A. I'm sorry, Mr. Vigliotti, I'm going to  
6 put my hearing aids on. Sorry.

7 Q. That's okay.

8 MR. PORR: She wouldn't have to do  
9 that for me.

10 MR. VIGLIOTTI: Off the record.

11 (Off the record from 10:28 to 10:29.)

12 Q. Back on the record. My watch, I have  
13 approximately 10:29 a.m. Sonia, just so we're  
14 clear, we're here for your continued deposition  
15 in the lawsuit you have brought against the City  
16 of Revere, chief and several of the individual  
17 officers, which you're aware of. Same  
18 stipulations.

19 You understand that you're still under  
20 oath today, it's a continuation. Even though you  
21 haven't been sworn in, you're still under oath,  
22 okay?

23 A. Okay.

24 Q. Same thing, as I told you before,

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1 today?

2 A. Imodium A-D and Zantac.

3 Q. What are those for?

4 A. Imodium A-D is for stomach upset, and  
5 the Zantac is also for acid in the stomach.

6 Q. Is Zantac a prescription?

7 A. No.

8 Q. Over-the-counter?

9 A. Mm-hmm. Yes. I'm sorry.

10 Q. Imodium is also over the counter?

11 A. Yes.

12 Q. They have no effect on your mental  
13 clarity?

14 A. Oh, no.

15 Q. Okay. Since your last deposition, we  
16 have missed a date, May 18th, Friday.

17 MR. PORR: Thursday.

18 Q. I'm sorry, Thursday, May 18th. There  
19 was an indication that you needed to go to the  
20 hospital. Can you just tell me about that?

21 A. I was sick overnight, I was in the  
22 bathroom all night.

23 Q. You say you were sick. How were you  
24 sick?

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1           A.     I had a headache, I'd had a headache  
2     for a couple of days, I didn't realize that I was  
3     probably getting a sinus infection. I didn't  
4     even think about that. I took some medication, I  
5     was in the bathroom all night with diarrhea and  
6     some vomiting.

7           Q.     Okay.

8           A.     I was up all night.

9           Q.     As a result of that, what did you do?

10          A.     I called my attorney, James Dilday,  
11     at --

12          Q.     You don't have to tell me any  
13     communications you had with him.

14          A.     No, I didn't talk to him.

15          Q.     Okay.

16          A.     I left him a message.

17          Q.     Okay. What time was that at?

18          A.     Ten minutes to six.

19          Q.     And as a result -- after that, you  
20     left him that message, you indicated you couldn't  
21     make your deposition because you were sick?

22          A.     I was sick and I was up all night.

23          Q.     What did you do after that?

24          A.     I put my head down, tried to rest.

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1 Q. Okay.

2 A. And then later on I went to the  
3 doctor's.

4 Q. What time did you go to the doctor's?

5 A. I had an appointment at 2:00.

6 Q. At 2:00. You said you had an  
7 appointment?

8 A. I made an appointment.

9 Q. You made an appointment for 2:00.  
10 What time did you contact the doctor?

11 A. Sometime in the morning.

12 Q. Do you remember what time it was?

13 A. I don't know, maybe 11:30, 12:00.  
14 Maybe after. I don't know.

15 Q. Who was the doctor you contacted?

16 A. Dr. Shilpa Thakur. T-h-a-k-u --  
17 o-u-r.

18 Q. And who is that doctor?

19 A. She's my primary -- well, she was my  
20 primary care.

21 Q. She was?

22 A. She's leaving.

23 Q. Okay. How long has she been your  
24 primary care doctor for?



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1 A. Not too long. Maybe since the  
2 beginning of the year or middle of the year.

3 Q. Of 2006?

4 A. (Nods head.)

5 MR. PORR: That's a yes?

6 A. Yes, I'm sorry.

7 MR. PORR: That's okay.

8 Q. And you went and saw the doctor, your  
9 appointment was for 2:00?

10 A. Yes.

11 Q. Prior to that, did you speak to  
12 anyone?

13 A. About what?

14 Q. Did you speak to your attorney? Not  
15 what you said, I just want to know if you spoke  
16 to him.

17 A. Afterwards, I told him I was sick.

18 Q. What time was that?

19 A. I don't remember.

20 Q. Was it before or after you went to the  
21 doctor's at 2:00?

22 A. It was before, because I told him I  
23 had a doctor's appointment.

24 Q. Was it before or after you made the

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1 doctor's appointment?

2 A. I don't remember. I think it was  
3 after.

4 Q. Is that a guess or you don't recall?  
5 I'm just trying to figure out if you know for  
6 sure one way or another.

7 A. I was sick. I was going to see a  
8 doctor either way. I'm not sure. I'll say I  
9 don't recall.

10 Q. Okay. And you went to the doctor's at  
11 2:00?

12 A. Yes.

13 Q. Where? What facility?

14 A. Beth Israel. It's not the main  
15 hospital, it's the one in Chelsea, right next  
16 door to Revere.

17 Q. Do you know what the address is?

18 A. I think it's 1000 Broadway, either  
19 that or 1001.

20 Q. And who did you see?

21 A. Dr. Shilpa.

22 Q. Were you diagnosed with anything?

23 A. She said that my throat was red, my  
24 sinuses were inflamed. She wasn't sure if I had

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1 an infection, so she gave me a prescription for  
2 Flonase, and she was going to give me a  
3 prescription for Claritin D, but I told her that  
4 doesn't work on me, I use Zyrtec, and I still had  
5 Zyrtec.

6 Q. So the only thing she prescribed was  
7 Flonase?

8 A. Yeah. I'm sorry, yes.

9 Q. So the initial diagnosis she was  
10 unsure, but it could have been a possible sinus  
11 infection?

12 A. She said it was a viral infection.

13 Q. A viral infection.

14 A. She said it was going around.

15 Q. Viral infection of your sinuses?

16 A. Well, I had the sniffles, I had the  
17 sneezing, watery eyes. My face was like hurting  
18 me and my eyes were puffy.

19 Q. Okay. Any other prescriptions, any  
20 other treatment plan, discharge, when she let you  
21 go, did she tell you to do anything?

22 A. She asked me to come back if I didn't  
23 get any better, if my throat was still bothering  
24 and my ear.

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1 Q. And that was it?

2 A. No, she was going to prescribe me an  
3 antibiotic because I had an earache.

4 Q. You had an earache also?

5 A. Mm-hmm.

6 Q. Did she prescribe you an antibiotic?

7 A. No, because she said my ear wasn't  
8 red. She said it was just a combination of the  
9 allergies or the sinuses.

10 Q. Do you have allergies?

11 A. I do.

12 Q. So was it your allergies that are  
13 acting up?

14 A. I don't think so. She said it was my  
15 sinuses, and she touched my face and my face was  
16 in pain.

17 Q. And you were discharged and sent  
18 home --

19 A. Yes.

20 Q. -- with just Flonase?

21 A. Because I already had the Zyrtec.

22 Q. What did you have the Zyrtec from?

23 A. Where did I get it?

24 Q. Yes.